

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

8/19/2021 3:49:30 PM

Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY:	Environmental Protection Secretarys Office	TITLE-SERIES: 60-10
---------	--	---------------------

RULE TYPE: Procedural Amendment to Existing Rule: NO Repeal of existing rule: No

RULE NAME: Purchasing Procedure

CITE STATUTORY AUTHORITY: W. Va. Code §5A-1-12.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/20/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jane Casewell

ADDRESS: 601 57th St SE

Charleston, WV 25304

EMAIL:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

DROVIDE A	RRIFE CHIMMAARV	OF THE CONTENT	OF THE BUILT
アカモノVロノド M	LONIE COUNTRIMANT		UE IBEAULE.

This rule brings DEP into compliance with West Virginia Code 5A-1-12, which required agencies to draft rules for purchasing where they have been declared exempt. These rules provide the method by which the agency will analyze and award bids for reclamation construction contracts.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

This procedural rule is required by West Virginia Code 5A-1-12. That provision states: 'An agency that has been exempted from some or all of the requirements of this chapter, by either a provision of this chapter or in another provision of this code, shall adopt procedural rules, under §29A-3-1 et seq. or §29A-3A-1 et seq. of this code, establishing its purchasing procedures.'

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No impacts on revenues of state government are expected.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

No impacts on special revenue accounts are expected.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No impacts on the state or its residents are expected.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year			
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)	
1. Estimated Total Cost	0	0	0	
Personal Services	0	0	0	
Current Expenses	0	0	0	
Repairs and Alterations	0	0	0	
Assets	0	0	0	
Other	0	0	0	
2. Estimated Total Revenues	0	0	О	

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

None are expected

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jason E Wandling -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

60CSR10

TITLE 60 PROCEDURAL RULE DEPARTMENT OF ENVIRONMENTAL PROTECTION SECRETARY'S OFFICE

SERIES 10 PURCHASING PROCEDURE

§60-10-1. General.

- 1.1. Scope. -- This rule is to ensure certain controls and accountabilities are in place for the procurement of construction reclamation contracts by the Department of Environmental Protection.
 - 1.2. Authority. -- W. Va. Code §5A-1-12.
 - 1.3. Filing Date. –
 - 1.4. Effective Date. --

<u>§60-10-2.</u> Definitions.

- 2.1. "Department" means the West Virginia Department of Environmental Protection created and established under W. Va. Code §22-1-1 et seq.
- 2.2. "Local Governmental Agencies" means counties; municipalities; watershed improvement districts; soil conservation districts; sanitary districts; public service districts; drainage districts; regional governmental authorities and any other governmental agency, entity, political subdivision, public corporation or agency having the authority to acquire, construct or operate public water facilities, stormwater systems or wastewater facilities.
- 2.3. "RFP" means Request for Proposal.
- 2.4. "Secretary" means the cabinet secretary of the West Virginia Department of Environmental Protection.
 - 2.5. "State" means the State of West Virginia.

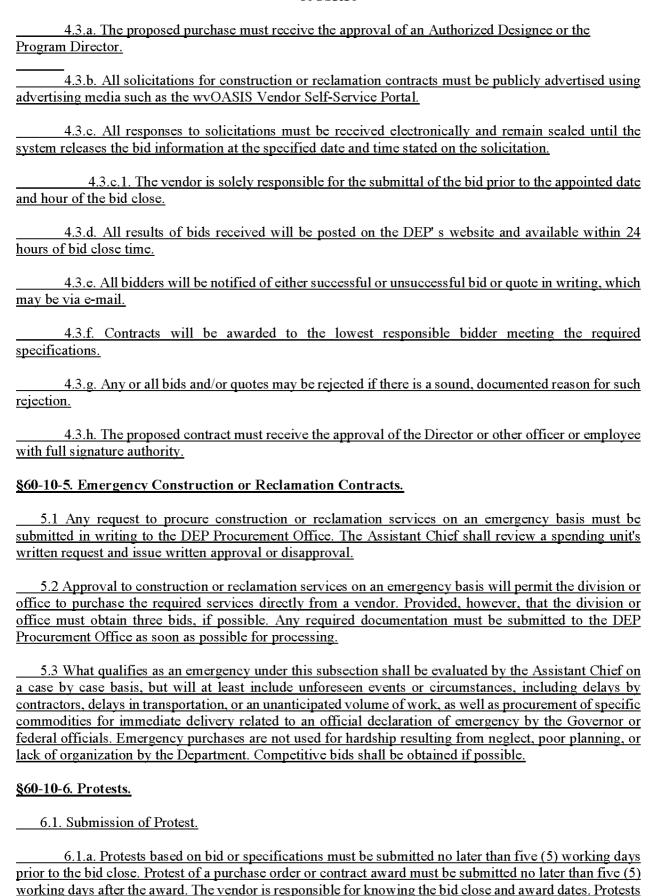
§60-10-3. Overview.

3.1. The Department is the charged by the West Virginia Legislature with the mission to use all practicable means and measures to prevent or eliminate harm to the environment and biosphere, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations.

§60-10-4. Purchasing Requirements for Construction or Reclamation Contracts.

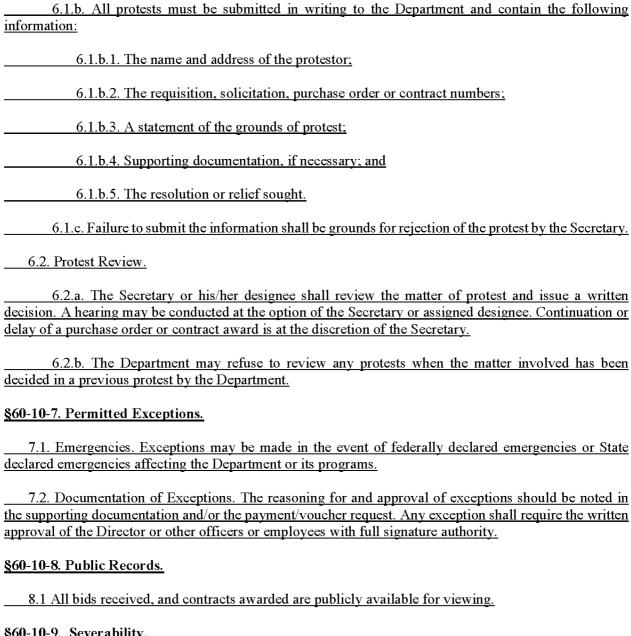
- 4.1. All procurement of construction or reclamation services by the Department are in accordance with W.Va. Code §5-22 Government Construction Contracts and are subject to expenditure approval.
- 4.2. The Secretary shall adopt standard specification terms and conditions which shall establish the requirements to which the services to be contracted for by the Department must conform.
 - 4.3. Requirements for all construction or reclamation projects:

60CSR10



received after these dates may be rejected at the option of the Secretary or designee.

60CSR10



§60-10-9. Severability.

9.1. If any word, phrase, or provision of this rule is held to be invalid, the remainder of the rule shall, to the fullest extent possible, not affected by that holding.